



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,282	06/19/2000	Suze Berthold	LOT9 2000 0012 US1	4020

7590 02/23/2004

Lotus Development Corporation  
Stephen T Keohane Esq  
LDB 600 8W  
55 Cambridge Parkway  
Cambridge, MA 02142

EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 02/23/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/596,282

**Applicant(s)**

BERTHOLD ET AL.

**Examiner**

Andrew L Nalven

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9, 10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 6-8, 11 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-14 are pending.

#### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

#### ***Claim Objections***

3. Claim 14 is objected to because of the following informalities: Claim 14 states "maintaining a unionized group list store of names of signatories authorized to execute signed *lists*". Examiner has interpreted the use of the word "lists" to be a typo and has interpreted the claim to read, "to execute signed agents" for the remainder of this office action. Appropriate correction or clarification is required.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2134

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 9-10, and 12-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGee et al US Patent No 6,694,434 in view of Samar et al US Patent No 6,304,974. McGee teaches a method for controlling distribution of executable objects.

6. With regards to claims 1-4, McGee teaches a list of identities of users authorized to execute the agents (McGee, column 6 lines 15-19 and 59-63), signed agents in applications including signatory name and corresponding electronic signature (McGee, column 7 lines 46-53), and agent execution code responsive to cross certificates and electronic signatures for activating signed agents (McGee, column 7 line 46 – column 8 line 1). McGee fails to teach downloadable cross certificates for verifying electronic signatures. Samar discloses a method of managing trusted certificates in which he teaches downloadable cross certificates for verifying electronic signatures (Samar, column 7 line 53 – column 8 line 7). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Samar's method of downloading certificates because it offers the advantage of ensures a user that the downloaded certificates are secure and trustworthy and thus allows a user to confidently use trusted certificates to authenticate subsequent communications (Samar, column 2 lines 40-59).

7. With regards to claims 5 and 9, McGee as modified and described above fails to teach agent execution code being responsive to scheduled or on-demand access to the signed agent for first accessing a server to update the group list store and cross

Art Unit: 2134

certificate store. Samar teaches the updating of agent execution code being responsive to scheduled or on-demand access to the signed agent for first accessing a server to update the group list store and cross certificate store (Samar, column 8 lines 13-47). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Samar's updating procedures because they offer the advantage of providing greater efficiency in changing security and allows differentiation of security levels among different divisions or programs (Samar, column 3 lines 14-26).

8. With regards to claims 10 and 13, McGee as modified further teaches the replicating from a first or second server an application referencing the signed agent (McGee, column 13 lines 21-29 and column 10 lines 52-60).

#### ***Allowable Subject Matter***

9. Claims 6-8, 11, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The cited prior art fails to teach the group list store storing the union of names of signatories authorized to execute agents referenced by applications downloadable from a plurality of servers.

#### ***Conclusion***

Art Unit: 2134

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Dan et al US Patent No 5,825,877 teaches support for portable trusted software.
13. Benson US Patent No 5,935,246 teaches an electronic copy protection mechanism using challenge and response to prevent unauthorized execution of software.
14. Apperson et al US Patent No 5,978,484 teaches a system and method for safely distributing executable objects.
15. Fredlund et al US Patent No 6,111,950 teaches a method for delivering processing applications linked to data to be processed.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

\*\*\*

Andrew Nalven



*Matthew B. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*